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| 09/525,056 | 03/14/2000 | Katsumi Karasawa | 35.C14345 | 7623 |

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| EXAMINER |
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SHAND, ROBERTA A

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| ART UNIT | PAPER NUMBER |
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2616

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,056

Applicant(s)

KARASAWA, KATSUMI

Examiner

Roberta A. Shand

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 26, 29 and 32 is/are allowed.
- 6) ☒ Claim(s) 18-25, 27, 28, 30, 31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-25, 27, 28, 30, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. 5838678) in view of Ejiri (U.S. 6262990 B1) and further in view of Sato (U.S. 6463060 B1).

3. Regarding claim 18, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 and 14) an information processing apparatus comprising: generating means for generating variable-length packets including encoded information (906); generating means (914) for generating and transmitting fixed-length packet data from the variable length packets; and generating means for generating clock reference information (col. 11, lines 4-10) for use in a time reference during decoding.

4. Davis does not teach the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

5. Ejiri teaches (fig. 4) the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval

Art Unit: 2616

(col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

6. Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

7. Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

8. Regarding claims 19 and 23, Davis teaches (col. 1, lines 21-44 and figure 9) the variable length packet data is PES (906) conforming to ISO/IEC 13818-1, and the fixed length packet data is TS (914) conforming to ISO/IEC 13818-1.

9. Regarding claim 20, Davis teaches (col. 1, lines 21-44 and col. 11, lines 1-10) the clock reference information is PCR conforming to ISO/IEC 13818-1.

10. Regarding claim 24, Davis teaches (col. 1, lines 21-44 and col. 11, line 61-63) the program specific information is PSI conforming to ISO/IEC 13818-1.

11. Regarding claim 21 and 25, Davis teaches (col. 1, lines 21-44 and col. 9) the information data is image data, and is encoded in conformity with ISO/IEC 13818-2

Art Unit: 2616

12. Regarding claim 22, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 and 14) an information processing apparatus comprising: first generating means (904) for generating variable length packet data including encoded information data; second generating means (914) for generating and transmitting first fixed length packet data from the variable length packet data generated by the first generating means; and generating means for generating program specific information (col. 11, lines 61-67) indicative of a program specific of the first fixed length packet data.

13. Davis does not teach the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

14. Ejiri teaches (fig. 4) the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). . It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

15. Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

16. Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

Art Unit: 2616

17. Regarding claim 27, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 and 14) a information processing method comprising: generating variable length packets including encoded information data (906); generating and transmitting first fixed length packet data (video) from variable length data (914); and generating clock reference information for use in a time reference (col. 11, lines 4-10) during decoding of the encoded information.

18. Davis does not teach the fixed length generating step includes a step of generating second fixed length packet data including the clock reference information and transmitting it within a predetermined time interval, and a step of compulsorily transmitting it when there is no effective first fixed length packet the second fixed length regardless of the predetermined time interval.

19. Ejiri teaches (fig. 4) generating second fixed length packet data including the clock reference information and transmitting it within a predetermined time interval, and a step of compulsorily transmitting it when there is no effective first fixed length packet the second fixed length regardless of the predetermined time interval (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

20. Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

21. Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

Art Unit: 2616

22. Regarding claim 28, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 and 14) a information processing method comprising: generating variable length packets including encoded information data (col. 9, lines 50-67); generating and transmitting first fixed length packet data (video) from variable length data (col. 10, lines 1-10); and generating program specific information (MPEG) indicative of a program specific of the first fixed length packet (col. 11, lines 61-67).

23. Davis does not teach the fixed length generating step includes a step of generating second fixed length packet data including the program specific information and a step of transmitting it within a predetermined interval, and a step of compulsorily transmitting it regardless of the predetermined time interval when there is no effective first fixed length packet data.

24. Ejiri teaches (fig. 4) generating second fixed length packet data including the program specific information and a step of transmitting it within a predetermined interval, and a step of compulsorily transmitting it regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

25. Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

26. Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

Art Unit: 2616

27. Regarding claims 30 and 31, Davis teaches (column 10 and figure 9) a storage medium for storing information processing program and read by a computer.

28. Regarding claim 33, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 and 14) an information processing apparatus comprising: generating portion for generating variable-length packets including encoded information (906); generating portion (914) for generating and transmitting fixed-length packet data from the variable length packets; and generating portion for generating clock reference information (col. 11, lines 4-10) for use in a time reference during decoding.

29. Davis does not teach the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

30. Ejiri teaches (fig. 4) the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

31. Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

32. Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

33. Regarding claim 34, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 and 14) an information processing apparatus comprising: first generating portion (904) for generating variable length packet data including encoded information data; second generating portion (914) for generating and transmitting first fixed length packet data from the variable length packet data generated by the first generating portion; and generating portion for generating program specific information (col. 11, lines 61-67) indicative of a program specific of the first fixed length packet data.

34. Davis does not teach the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

35. Ejiri teaches (fig. 4) the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

36. Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

37. Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

Response to Arguments

38. Applicant's arguments with respect to claims 18-25, 27, 28, 30, 31, 33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

40. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2616

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

43. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Stevens
Examiner
Art Unit 2665



CHI PHAM
SUPERVISORY PATENT EXAMINER

9/18/06